



April 22, 2011

**United States
Department of
Agriculture**

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Laurel McFarlane
Lester Kalmanson Agency, Inc.
235 S. Maitland Avenue, Suite 201
P.O. Box 940008
Maitland, FL 32751

Dear Ms. McFarlane:

This is in response to your March 18, 2011, Freedom of Information Act (FOIA) request for APHIS guidelines and requirements regarding animal enclosures with and without tops. Your request was received in this office on March 18, 2011, and assigned case number FOIA 11-345. Specifically, you requested the following information:

1. Please send any and all USDA Guidelines Regarding Dangerous Animal/Cat enclosures with and without a top including circus arenas
2. What are the requirements with and without 12 foot minimum?
3. What kinds of tops are required (if any)?

Information responsive to Item 1 can be found on our web site at www.aphis.usda.gov/animal_welfare/pubs_reports.shtml and www.nala.usda.gov/awic/pubs/BigCats/bigcats.shtml. We also suggest you visit www.nationalaglawcenter.org/decisions/#awa and www.dm.usda.gov/oaljdecisions for court decisions relative to your request.

With regard to Items 2 and 3, the FOIA is a records statute that does not require our office to respond to questions posed in requests. Therefore, we have no records responsive to this portion of your request.

Although this does not constitute a denial because no records were found or withheld, you may appeal our determination of your request. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter to: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, DC 20250-3401. Please refer FOIA 11-345 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.

If you have any questions, please contact the FOIA Staff at (301) 734-8296.

Sincerely,

/s/

Tonya G. Woods
Director
Freedom of Information & Privacy Act
Legislative and Public Affairs



Safeguarding American Agriculture

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